

REMARKS

This is a full and timely response to the Office Action mailed December 31, 2008, submitted concurrently with a one month extension of time to extend the due date for response to April 30, 2009.

No claims have been amended in this response. Thus, only claim 8 is currently pending in this application. New claim 10, newly presented in the response filed March 31, 2009, has not been entered by the Examiner and thus, is not considered pending.

In view of this response, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the following remarks is respectfully requested.

Correction of Inventorship under 37 C.F.R. §1.48(b)

Applicant has submitted a Correction of Inventorship under 37 C.F.R. §1.48(b) requesting that the inventor, Mr. Mikihiro Yamashita, be removed from the application. Mr. Mikihiro Yamashita's inventive contribution to the present application is directed to the subject matter of original claim 3 which was canceled in the response filed December 11, 2007. Thus, Mr. Mikihiro Yamashita no longer qualifies as an inventor of the present application since his invention is no longer being claimed in the present application.

Rejection under 35 U.S.C. §102

Claim 8 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Saito et al. (U.S. Patent No. 7,150,285). Applicant believes that this rejection has been overcome by the submission of the Correction of Inventorship under 37 C.F.R. §1.48(b) and the filing of the Rule 1.132 Declaration on December 2, 2008 establishing that the reference invention of Saito et al. (U.S. Patent No. 7,150,285) is not by "another" inventive entity.

As noted in Applicant response filed December 2, 2008, the Saito et al. reference (U.S. Patent No. 7,150,285) is categorized as a prior art reference under 35 U.S.C. §102(e). With the previous filing of the Rule 1.132 Declaration executed by Mr. Atsuhiko Saito, Mr. Jyuzaemon Iwasaki, Mr. Hiroyuki Kameoka, Mr. Yasuo Ibuki, Mr. Fumio Taniguchi, Mr. Kotaro Yanagi, and

Mr. Hiroshi Shigeta (inventors of the Saito et al. reference and the present application), Applicant believes that Saito et al. should be removed as a prior art reference since it has been established that the reference invention of Saito et al. is not by "*another*" inventive entity.

In the Office Action dated December 31, 2008, the Examiner expressed concerns that the statements in the Declaration raise an issue regarding the inventorship of Mr. Mikihiro Yamashita since there is only one claim pending in the present application. The Examiner believes that if Mr. Mikihiro Yamashita is an inventor of the subject matter of claim 8, Mr. Mikihiro Yamashita must be added as an inventor to U.S. Patent No. 7,150,285 since such subject matter is disclosed therein. If, however, Mr. Mikihiro Yamashita is not an inventor of the subject matter of claim 8, then the Examiner believes that Mr. Mikihiro Yamashita must be removed as an inventor on the current application.

Applicant has overcome the Examiner's concerns by submitting a Correction of Inventorship under 37 C.F.R. §1.48(b) removing Mr. Mikihiro Yamashita as an inventor on the current application.

Thus, Applicant believes that the concerns raised by the Examiner in the Office Action has been overcome since claim 8 represents the inventive contributions of Mr. Atsuhiko Saito, Mr. Jyuzaemon Iwasaki, Mr. Hiroyuki Kameoka, Mr. Yasuo Ibuki, Mr. Fumio Taniguchi, Mr. Kotaro Yanagi, and Mr. Hiroshi Shigeta (inventors of the Saito et al. reference and the present application), and Mr. Mikihiro Yamashita is no longer an inventor of the present application. As a result, Saito et al. can no longer be a valid prior art reference against claim 8 under 35 U.S.C. §102(e) since the previously filed Rule 1.132 Declaration clearly establishes that the reference invention of Saito et al. is not by "*another*" inventive entity.


Hence, withdrawal of the outstanding rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: April 29, 2009

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 50-4422 for any such fees; and applicant(s) hereby petition for any needed extension of time.